

Message Text

LIMITED OFFICIAL USE

PAGE 01 WARSAW 05758 211152Z

53

ACTION SCS-01

INFO OCT-01 EUR-06 ISO-00 SCA-01 L-02 H-01 SY-02 SS-14

/028 W

----- 101825

R 211032Z SEP 74

FM AMEMBASSY WARSAW

TO SECSTATE WASHDC 1342

LIMITED OFFICIAL USE WARSAW 5758

LIMDIS

E.O. 11652: N/A

TAGS: CASC(HOLY, ZYGMUNT)

SUBJECT: IMPRISONMENT OF US CITIZEN ZYGMUNT HOLY

REF: A. WARSAW 5426, B. WARSAW 5091, AND PREVIOUS

1. EMPRISONED US CITIZEN ZYGMUNT HOLY HAS REQUESTED THAT THE EMBASSY MAKE A DIPLOMATIC REPRESENTATION TO SECURE HIS RELEASE FROM DETENTION AND DEPARTURE FROM POLAND. WHILE BOTH OF HOLYS CONVICTIONS ARE UNDER APPEAL AND JUDICIAL PROCEEDINGS ARE AT A TEMPORARY STANDSTILL, HOLY HAS SUGGESTED THE OCCASION OF THE GIEREK VISIT AS AN OPPORTUNE TIME TO LINK HIS SITUATION WITH THE STATE OF POLISH-AMERICAN RELATIONS AND TO REQUEST HIS RELEASE. AS HOLY IS AWARE, THE EMBASSY KHAS THROUGHOUT HIS DETENTION EXPRESSED TO THE MFA AND POLISH COURTS CONCERN ABOUT CONSULAR ACCESS, TRIAL DELAYS, FINANCIAL AND EMOTIONAL HARD-SHIPS TO HIS FAMILY, AND BAIL POSSIBILITIES. HOWEVER, TO DATE THE EMBASSY HAS GIVEN NO INDICATION TOHYMFA THAT THE HOLY CASE IS RELATED TO GENERAL POLISH-AMERICAN RELATIONS.

2. THE EMBASSY HAS DETECTED NO DISCRIMINATORY TREATMENT OF HOLY BY THE POLISH COURTS. THE ACTION FOR WHICH HE WAS CONVICTED IN THE SECOND TRIAL, ILLEGAL IMPORTATION OF ARTIFICIAL GEMSTONES, IS ILLEGAL IN MOST JURISDICTIONS (AND THAT WAS PROBABLY KNOWN TO HOLY WHEN HE UDERTOOK THIS ACTIVITY).

LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 WARSAW 05758 211152Z

THE SEVERITY OF THE SENTENCE IS PROBABLY CONSISTEND WITH THE

EASTERN EUROPEAN VIEW OF ECONOMIC CRIMES. ALTHOUGHT THE ACTIVITY FOR WHICH HOLH WAS CONVICTED IN THE FIRST TRIAL, TRANSPORTING POLISH WOMEN ABROAD FOR PURPOSES OF PROSTITUTION, CONTRAVENES POLISH LAW, THE LAW ITSELF APPEARS TO BE LOOSELY DRAWN AND HOLY'S ACTIVITIES WITH CONCENTING WOMEN OF QUESTIONABLE VIRTUE, WHILE PERHAPS UNSAVORY, WOULD PROBABLY NOT BE ILLEGAL, OR WOULD BE CONSIDERED A MINOR OFFENSE, PERHAPS NO MORE THAN PANDERING, IN MOS LEGAL JURISDICTIONS.

3. THE EMBASSY HAS RECEIVED NO SIGNIFICANT REACTION FROM THE POLISH-AMERICAN COMMUNITY ON THE HOLY CASE. IN APRIL, 1974, SENATOR HASKELL REQUESTED A STATUS REPORT AND IN MAY 1974 AMCONSUL FRANKFURT REPORTED THAT MRS HOLY PLANNED A CAMPAIGN IN THE POLONIA PRESS. HOLYS NEGATIVE REACTION TO PUBLICITY AT THE TIME WAS PASSED BACK TO MRS HOLY AND NO FURTHER INDICATION OF A PRESS CAMPAIGN HAS COM TO THE EMBASSY ATTENTION. AS FAR AS THE EMBASSY IS AWARE. WESTERN PRESS COVERAGE WAS LIMITED TO A BRIEF WIRE-SERVICE ARTICLE AT THE CONCLUSION OF THE FIRST TRIAL AND, ACCORDING TO MRS HOLY, ARTICLES IN THE GERMAN PRESS AT THAT SAME TIME.

4. THE EMBASSY SEES THE FOLLOWING AS POSSIBLE COURES OF ACTION:

A. DENY HOLYS REQUEST AS INAPPROPRIATE. HE IS A CONVICTED; RAISING HIS CASE AT ANY POLITICAL LEVEL MIGHT BE CONSIDERED INAPPROPRIATE INTERVENTION IN POLISH INTERNAL AFFAIRS. THERE IS STILL A POSSIBILITY THAT THE SENTENCES MAY BE REDUCED AS A RESULT OF THE APPEAL ACTIONS ALREADY UNDERWAY. WHILE HOLY MIGHT RESENT SUCH A COURSE OF ACTION, THE RECORD SHOWS THAT THE EMBASSY HAS BEEN FOLLOWING THE CASE CLOSELY TO SEE THAT HOLY WAS TREATED EQUITABLY UNDER THE LAW.

B. APPROACH THE AMERICAN SECTION OF THE MFA, ASKING IF ANY EXTRA-JUDICIAL RELIEF IS POSSIBLE. THE EMBASSY COULD STRESS THE HARDSHIP TO HOLSY FAMILY THAT WOULD RESULT FROM A LONG PRISON SENTENCE; POINT OUT THE SENTENCES WERE NEARER THE UPPER LIMITS ALLOWABLE UNDER THE LAW RATHER THAN THE REVERSE, AND NOTE THAT THERE IS SOME QUESTION THAT WHAT HOLY WAS CONVICTED FOR IN THE FIRST TRIAL WOULD BE CONSIDERED WHITE SLAVERY IN A NUMBER OF OTHER COUNTRIES. WE COULD ADD THAT A CHARIT-ABLE DISPOSITION OF THIS CASE NOW, ON THE EVE OF THE GIEREK VISIT, COULD BE EXPECTED TO HAVE A FAVORABLE EFFECT ON THE OPINION OF AMERICAN POLONIA. (I RECOMMEND THIS COURSE OF ACTION).

LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 WARSAW 05758 211152Z

C. A MORE FORMAL, POLITICAL INTERVENTION COULD BE MADE AT A HIGHER LEVEL WHICH WOULD, IN EFFECT, REQUEST MERCIFUL TREAT-ENT IN VIEW OF THE GENERAL IMPROVEMENT IN POLISH-AMERICAN RELA-TIONS AND THE SPECIAL CIRCUMSTANCES CURRENTLY EXISTING I.E., THE VISIT OF FIRST SECRETARY GIEREK. WE COULD ALSO STATE OUR VIEW THAT ANYTHING THAT COULD BE DONE TO CLEAR UP THIS ONE LINGERING CASE, WITH ITS LATENT POTENTIAL FOR ADVERSE PUBLICITY AND THE EFFECT THAT MIGHT HAVE ON POLISH-AMERICAN RELATIONS,

WOULD BE PRUDENT AND WELL-TIMED.
DAVIES

LIMITED OFFICIAL USE

NNN

Message Attributes

Automatic Decaptioning: Z
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 21 SEP 1974
Decaption Date: 28 MAY 2004
Decaption Note: 25 YEAR REVIEW
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: cunninfx
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974WARSAW05758
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D740266-0365
From: WARSAW
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19740924/aaaaaudz.tel
Line Count: 117
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION SCS
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: LIMDIS
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators:
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: LIMDIS
Reference: A. WARSAW 5426, B. WARSAW 5091, AND, PREVIOUS
Review Action: RELEASED, APPROVED
Review Authority: cunninfx
Review Comment: n/a
Review Content Flags:
Review Date: 10 MAY 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <10 MAY 2002 by cunninfx>; APPROVED <11 MAR 2003 by cunninfx>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: IMPRISONMENT OF US CITIZEN ZYGMUNT HOLY
TAGS: CASC, (HOLY, ZYGMUNT)
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005